

Appendix B

Analysis of State Standards for Juvenile Confinement Facilities

Congress wanted to know the extent to which conditions of confinement are consistent with nationally recognized standards. We know, however, that very few juvenile confinement facilities have been accredited by two of the organizations that developed nationally recognized standards—the American Correctional Association and the National Commission on Correctional Health Care. Thus, there is little reason to believe that nationally recognized standards have had a major direct effect on conditions of confinement.

It is possible, however, that nationally recognized standards have had an indirect effect on conditions in facilities, via States' standard-setting and enforcement activity.¹ For example, if a State develops standards for its detention centers and training schools that incorporate most of the important ACA standards, or that are highly consistent with ACA standards, and if that State has frequent, rigorous inspections and strong authority to enforce adherence to its standards, conditions in facilities could substantially conform to those required by nationally recognized standards.

Because there was no systematic information on State juvenile facility standard setting, inspection, and enforcement practices when we began this study, we conducted a separate study to learn more about this topic.

We began by contacting OJJDP's Juvenile Justice Liaisons and officials in the 50 States and Washington, D.C., who act as the formal link between OJJDP and State juvenile justice agencies. They identified contact persons in agencies in their respective jurisdictions that set or enforce standards or that use existing standards to license or certify detention centers, training schools, reception and diagnostic centers, or farms, ranches, or camps. Abt staff interviewed the contact persons by telephone to obtain information on their standard setting and enforcement activity.

We wanted to answer two questions:

- Do a substantial proportion of States have authority to set and enforce standards for juvenile confinement facilities? If yes,
- Are those States' standards pertaining to assessment criteria developed by project staff consistent with recognized national standards?

¹Of course, there are other indirect ways that nationally recognized standards might affect conditions in facilities. They might be used, for example, as a guide by departments or facilities when they revise policies and procedures. Courts might consult nationally recognized standards when deciding litigation challenging conditions of confinement.

A. Summary of State Standard Setting and Enforcement Activity

Table B-1 summarizes states' standard setting and enforcement activities. We contacted 51 jurisdictions—all 50 states and the District of Columbia. The results reflect data provided from all jurisdictions.

Table B-1

Summary of State Standard Setting Authority

Type of Facility	Number of jurisdictions with this type of facility	Number with no standards	Number with standards but no enforcement ² or partial enforcement ³	Number with standards and with full enforcement ⁴
Detention centers	48	8	5	35
Reception centers	15	2	0	13
Training schools	50	8	8	34
Ranches	34	5	2	27

About four-fifths of the States develop standards for their training schools and detention centers. Of states that have ranches and reception centers, a slightly higher proportion develop standards for those types of facilities.

Among jurisdictions with full or partial enforcement authority, officials are more likely to have used "positive" enforcement options in the past 5 years than "negative" options (see Table B-2).

²No enforcement means either no inspections are done, or if inspections are done the agency has no power to compel correction of deficiencies and provides no assistance or inducements to obtain voluntary correction of deficiencies.

³Partial enforcement means (a) inspections are done, (b) jurisdictions cannot compel facilities to come into compliance under threat of closure, restricted use, decertification, but (c) jurisdictions offer noncompliant facilities technical or financial assistance to induce them to comply.

⁴Full enforcement means the agency can inspect facilities, can compel correction of deficiencies, and can provide inducements (technical assistance, financial assistance) to obtain compliance.

Table B-2

**Types of Enforcement Options Available and Used in Last 5 Years,
Jurisdictions With Full or Partial Enforcement Powers (N=42)**

Type of Enforcement Option	Number with authority to use this option	Number using this option, last 5 years
<u>Positive Options</u>		
Technical assistance	28	13
Planning services	31	16
Financial assistance	18	8
<u>Negative Options</u>		
Provisional licenses	17	10
Limit facility usage	15	0
Close facility	26	4
Decertify facility	12	1

Thus, the answer to the first question is that a substantial proportion of jurisdictions have the authority to set standards for juvenile confinement facilities and have full enforcement authority. A substantial proportion of these jurisdictions have available significant enforcement tools, including closing noncompliant facilities, although they are more likely to seek compliance by persuasion than compulsion.

B. Comparison of State Standards and Assessment Criteria

Thus, the second question remains: to what extent are State standards consistent with nationally recognized standards? We obtained copies of each jurisdiction's current juvenile facility standards. We compared the content of each jurisdiction's standards with the ACA standards as they pertained to a preliminary list of 39 assessment criteria (only 36 of which applied to detention centers) that project staff selected in July 1991. It should be emphasized that the final assessment criteria used in this report differ somewhat from the preliminary list. However, our purpose was to determine the relative consistency between State and ACA standards. Thus, it was less important that the preliminary assessment criteria developed in July 1991 be identical to the final list.

For each of the 39 preliminary assessment criterion, we located a parallel ACA standard and compared the language of the ACA to the State standards. Because most confined juveniles live in detention centers and training schools, we limited our study to these two facility types.

We used a six-point scale to assess jurisdictions' standards in relation to the ACA standards on each of the 39 criterion:

- 0 = State standards do not mention this criterion.
- 1 = State standards mention this criterion, but their content is vague or unmeasurable (for example, the standards say that sleeping rooms should be of "adequate" size).
- 2 = State standards provide measurable criteria that are substantially less rigorous than ACA standards (for example, State standards define the minimum size for single sleeping rooms, but set a 50-square-foot minimum versus the 70-square-foot minimum in ACA standards).
- 3 = State standards provide measurable criteria that are slightly less rigorous than ACA standards (for example, State standards require a single sleeping room to contain at least 65 square feet).
- 4 = State standards set measurable criteria that equal or slightly exceed ACA requirements (for example, State standards set the minimum size of single sleeping rooms at 75 square feet).
- 5 = State standards set measurable criteria that substantially exceed ACA requirements (for example, State standards require at least 85 square feet in single sleeping rooms).

We judged State standards to be consistent with ACA standards if they got a score of four or five, and not consistent if they got a score of zero, one, two, or three.

Table B-3 shows the number of jurisdictions whose standards are consistent with ACA standards for 39 selected preliminary assessment criteria pertaining to training schools and 36 pertaining to detention centers.

Table B-3

**Percent of State Standards for Training Schools and Detention Centers
That are Consistent With ACA Standards on Preliminary Assessment Criteria**

Assessment Criteria	Number of States With Standards Consistent With ACA Standards	
	States With Standards for Detention Centers (N=40)	States With Standards for Training Schools (N=42)
<u>Inspections and emergency preparedness:</u>		
Conform with fire codes	36	32
Plan for emergency release and backup system	12	2
Fire alarm, detection approved	7	3
All personnel trained in emergency plans	30	29
Comply with sanitation and health codes	33	29
<u>Suicide prevention:</u>		
Suicide prevention requirements	2	7
Room restriction, contact every 15 minutes	23	24
<u>Security:</u>		
Staff ratio 1:8 during day	18	15
Plans for classifying juveniles	N/A	15

Assessment Criteria	Number of States With Standards Consistent With ACA Standards	
	States With Standards for Detention Centers (N=40)	States With Standards for Training Schools (N=42)
<u>Food/Clothing/Hygiene:</u>		
Annual menu review by a dietician	12	12
< 14 hours between meals	20	24
Frequent clean clothes	12	8
Showers daily	23	15
<u>Health:</u>		
Frequency of sick call	9	10
Health screening within 1 hour	15	17
Health appraisal within 7 days	12	15
Emergency medical and dental provided	30	22
Access to health care explained orally and in writing	7	5
<u>Living Space:</u>		
Single sleeping rooms at least 70 square feet	30	24
Living units <26 kids	7	5
Population not to exceed design capacity	17	10
<u>Education:</u>		
Education and vocational education programs meet state educational standards	12	19
1:15 teacher to student ratio	8	5
Educational assessments	N/A	25

Assessment Criteria	Number of States With Standards Consistent With ACA Standards	
	States With Standards for Detention Centers (N=40)	States With Standards for Training Schools (N=42)
<u>Counseling:</u>		
Access to mental health counseling	31	30
Counselor to juvenile ratio 1:25	N/A	5
<u>Recreation:</u>		
Meet time schedule for recreation standards	2	3
<u>Access:</u>		
Access to attorney by mail, phone, and visits	24	17
General visitation	15	30
Can make and receive personal phone calls	9	15
Mail can be opened/censored	33	32
Volunteer involvement	16	15
<u>Limits on staff discretion:</u>		
Rules explained; copies given	9	12
Written disciplinary procedure with one level appeal	15	20
Meet strip and body search standards	7	7
Written reports - isolation	28	24
Length of isolation reviewed every 24 hours	31	24
Policy on use of force; written reports required	18	12
Written policy on use of restraints	16	18

C. Conclusions

While a substantial proportion of jurisdictions have power to set and enforce standards for juvenile confinement facilities, in most cases the content of their State standards is not highly consistent with ACA standards.

Thus, it is not likely that nationally recognized standards have had a major impact on conditions of juvenile confinement via the indirect mechanism of State standard setting and enforcement.

For just 32 percent of the assessment criteria we examined did one-half or more of the States drafting standards have standards consistent with those of ACA. The topic area with the greatest consistency was inspections and emergency preparedness, where for 3 of the 5 criteria more than one-half of the States' standards were consistent with ACA standards. However, that consistency is an artifact of ACA deference to State and local fire and sanitation codes in their national standards.